

SPECIAL MEETING OF BERKELEY COUNTY COUNCIL

Chairman: Mr. James H. Rozier, Jr.

A **SPECIAL MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday, March 10, 2003, in the Assembly Room of the Berkeley County Office building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 8:12 p.m.

PRESENT: Mr. James H. Rozier, Jr., Supervisor, Chairman of County Council; Mr. William E. Crosby, Council Member District No. 3 and Vice Chairman of County Council; Mr. Milton Farley, Council Member District No. 1; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney, Council Member District No. 7; Mr. Steve C. Davis, Councilmember District No. 8; Ms. Nicole Scott Ewing, Deputy County Attorney, and Ms. Barbara B. Austin, Clerk of County Council.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina and the Berkeley County Library, and mailed to the newspaper, radio stations, television stations and concerned citizens.

Chairman Rozier called the meeting to order.

PUBLIC DISCUSSION:

Mr. Ernest Cercopely, 147 French Quarter Creek Road, Huger. Mr. Cercopely stated he would like was present to speak on behalf of the low and fixed income residents of Berkeley County regarding the financial burden imposed with the 20% rate increase and installation of new water and sewer lines in the communities. A 20% increase on the present fixed rate of \$28.00 for sewer equates to only \$5.60/month. Monthly usage bills ranging from \$40.88 to \$60.88 or more the \$5.60/month can be very significant to low and fixed income residents. He stated he was not opposed to anyone receiving new water and sewer systems, just that Council should consider the low and fixed income residents of the County before deciding on a final project list.

(A complete written statement by Mr. Cercopely is attached hereto and by this reference is made a part hereof.)

No **EXECUTIVE SESSION** was needed.

NEW BUSINESS:

THIRD READING:

“Bill No. 03-1, An Ordinance authorizing and providing for the issuance of **Water and Sewer System Revenue Bonds** of Berkeley County, South Carolina; prescribing the form of bonds; limiting the payment of the bonds solely to the net revenues derived from the operation of the system and pledging the revenues to such payment; creating certain funds and providing for payments into such funds; and making other covenants and agreements in connection with the foregoing.”

It was moved by Councilmember Spooner and seconded by Councilmember Fish to approve **Bill No. 03-01** for **Third and Final Reading**. The motion was passed by a majority voice vote of Council, with Councilmember Crosby voting “Nay.” (a copy of Ordinance No. 03-03-12 is attached to these minutes)

“Bill No. 03-2, First Supplemental Ordinance providing for the issuance and sale of Berkeley County, South Carolina, **Water and Sewer System Revenue Bonds**, Series 2003, in the principal amount of not exceeding \$130,000,000; prescribing the form and details of such bonds; and other matters relating thereto.”

It was moved by Councilmember Fish and seconded by Councilmember Farley to approve **Bill No. 03-2** for **Third and Final Reading**.

Councilmember Steve Davis asked if the Ordinance included the list of the projects in it.

Chairman Rozier indicated the list of projects makes up the amount. The list, which was approved last week, determines the amount of the bond. That amount is \$105,140,000.

Councilmember Steve Davis stated that he supported the water and not the sewer. He wanted to be consistent with that vote. He asked if the two could be segregated at this time?

Chairman Rozier stated they could not. Mr. Steve Davis would have to vote against the water to the schools in Cross and the water to Shulerville/Honey Hill to vote against this Ordinance.

The motion was passed by majority voice vote of Council with Councilmember Crosby and Councilmember Steve Davis voting “Nay.” (a copy of Ordinance No. 03-03-13 is attached to these minutes)

FIRST READING:

“Bill No. 03-11, An Ordinance to amend Chapter 7 of the Code of Ordinances, Berkeley County, South Carolina, to provide for the regulation of the use of Public and Private Water Distribution Systems and Wastewater Collection, treatment, and disposal systems and providing penalties for violations thereof.”

RESOLUTION:

“A Resolution providing for the approval of a position classification system”

Ms. Dennis Mitchum, Human Resource Director, BCW&SA addressed Council stating a salary survey was done with BCD Council of Governments. They looked at their competitiveness with the three other large utilities in the tri-county area: CPW, Mt. Pleasant Water Works and North Charleston Sewer District. While they are competitive in their benefits package they are not competitive in their salary ranges. Thirty-five (35) positions were identified that were lower than Mt. Pleasant Water Works and CPW and in some cases lower than N. Charleston Sewer District. She asked that the Resolution be adopted so they can maintain some competitiveness. In the tri-county area, they are having problems with retention and attracting and recruiting employees. She stated she has been employed at BCW&SA Human Resources for 2 ½ years; of that they have been fully staffed one day. Ms. Mithcum stated the salary adjustments, just to do the upgrades would be \$135,724.

Councilmember Steve Davis asked if you add the fringe benefits to that would it increase?

Ms. Mitchum stated that the one thing they were worried about was longevity issues, that might increase that dollar amount, but they were not prepared to talk about them at this meeting.

Councilmember Steve Davis asked if it was only going to cost \$135,724 to do the position reclassifications?

Ms. Mitchum explained that would fund the salary upgrades.

Councilmember Spooner asked if that figure was for the remainder of this budget year or was if for an entire budget year?

Ms. Mitchum indicated that was for an entire budget year.

Mr. Marc Hehn, Director, BCW&SA explained they were only trying to increase the minimums. Individual situations would need to be handled differently and corrections will be needed.

Mr. Rozier expressed that the County and BCW&SA are two separate entities. He was not sure that Council is ready for a decision tonight, but if it is not decided on tonight then it needed to be on a Committee for discussion.

Councilmember Steve Davis stated that he would like for it to be on his Committee.

Mr. Lee Moulder, Finance Director, BCW&SA explained that there are two steps to be done. Everyone was ranked according to the other utility agencies. Salary grades were

looked at according to others in the same positions. The dollar amount that Ms. Mitchum gave brings these employees up to the minimum level in the position. There are employees that are making below the minimum salary range for their job title. The first step is getting employees to entry level. The second step will increase the employees with tenure that are making the same as employees that have been there many years less. The cost of that will be \$252,000.

Councilmember Steve Davis asked if the Resolution was passed it would be to spend from \$0 - \$252,000?

Mr. Moulder indicated that was correct.

Councilmember Steve Davis told the Clerk to Council to place this item on the Water and Sanitation agenda at the earliest convenience.

Mr. Ernie Heins, Director of Solid Waste, Re: Solid Waste Regulations and Procedures.

This item was held in Committee.

J. Marc Hehn, Director, Berkeley County Water and Sanitation Authority, Re: Proposed purchase of the St. Stephen Water and Sewer System.

This item has been handled.

ADD:

SECOND READING:

“Bill No. 03-10, The Fifth Supplemental Ordinance providing for the issuance and sale of Berkeley County, South Carolina, Solid Waste Refunding Revenue Bond, Series 2003, in the principal amount of not exceeding \$9,449,000; and other matters relating thereto.”

It was moved by Councilmember Steve Davis and seconded by Councilmember Pinckney to approve **Bill No. 03-10** for **Second Reading**. The motion was passed by unanimous voice vote of Council.

WITHOUT OBJECTION:

Permission to send out RFPs for the Spiers Landing Operations Contract.

It was moved by Councilmember Pinckney and seconded by Councilmember Steve Davis to **send out RFPs** for the **Spiers Landing Operations Contract**. The motion was passed by unanimous voice vote of Council.

It was moved by Councilmember Steve Davis and seconded by Councilmember Spooner to adjourn the Special Meeting of County Council. The motion was passed by unanimous voice vote of Council.

The meeting was adjourned at 8:35 p.m.

S/Barbara B. Austin
Clerk of County Council

April 28, 2003
Date Approved

PUBLIC DISCUSSION:

Ernest Cercopely, 1147 French Quarter Creek, Huger. (Mr. Cercopely read the following letter into the record.)

March 10, 2003

Good Afternoon Mr. Chairman and members of council. For the record and for those of you who do not know me yet, my name is Ernest Cercopely. My address is 1147 French Quarter Creek Road, Huger, This evening, I will only take up a few minutes of your valuable time. As a retired senior citizen, I would like to speak before you today on behalf of the low and fixed income residents of Berkeley Co. about the financial burdens imposed upon them with this 20% rate increase and installation of new water and sewer lines in their communities.

An article in The Berkeley Independent, Feb. 19, published a huge "wish list" that was established for water and sewer projects in Berkeley Co. during 2003. I did not see anywhere in that "wish list" a request by Councilman Crosby that \$250,000 be allocated for installation of water and sewer lines for 8 residents in "The Oaks Estates". If that request is approved, it is only right that the residents of "The Oaks Estates" be required to pay as the residents of Huger were required to pay. Also an article published in the P&C, Friday, Mar. 7 and also heard and seen on local TV Friday afternoon, about a "special meeting" that was conducted by council on Thursday, March 6, stated that council had approved a rate increase of 20% on sewer and no increase in water usage. At this meeting, a 4 to 4 tie had to be broken by Supervisor Rozier in favor of the 20% increase. If that "special meeting" was neither a "public hearing" nor a meeting to call for a final vote then shouldn't the public be advised as to why the meeting was held and the vote taken?

At this time I would like to present some background, so I submit the following-.

In 1996, Mr. Chairman, you and Mr. Helms of BCWSA, conducted a meeting at Cainhoy School and informed the residents of Huger that the results of tests conducted by DBEC on various shallow wells in our area indicated contamination of some of the wells and that the county had received a grant in the amount of \$9 million dollars for new water and sewer lines for our community. We knew all along that the water and sewer lines were really promised incentives to bring Nucor Steel to Berkeley County. The residents respectfully listened anyway. Well after 6 long years of waiting and total frustration resulting from a completely devastated French Quarter Creek Road, which by the way was promised to be resurfaced upon project completion and to this date is still devastated, the French Quarter Creek Road portion of the project was finally completed in 2002 and we were able to hook up to the main lines. A mandatory requirement, that any house or mobile home within 150' of the connection point be required to hook-up, was placed upon the residents.

A 20% increase of the present fixed rate of \$28.00 for sewer equates to only \$5.60/month. To many of you this seems like a very insignificant amount. With the financial burdens of installation fees, resulting monthly usage bills ranging from the low of \$40.88 to highs of \$60.88 or more per month, this \$5.60 can be very significant to the low and fixed income residents living in Berkeley Co. At this time, I would like to provide each of you a list of expenses imposed on the residents of French Quarter Creek Road for installation of new water and sewer lines in our community. The majority of residents on French Quarter Creek Road are residents with low and fixed income. I submit these expenses in hopes that they will aid you in making your final vote.

The following expenses were required prior to even hooking up to the main lines:

3/4 inch pvc piping for water	\$3/10' section
4 inch pvc piping for sewer	\$5/10' section
Trench digging and pipe laying fee	Min. \$5/ft for water - Min \$6/ft sewer
BCWSA Administration fee	\$ 10 for water & \$ 10 for sewer
Impact fee for water	\$350.00
Impact fee for sewer	\$950.00
Court registration fee for a resident that couldn't afford to pay the impact fees and had to mortgage their property to BCWSA.	\$ 10 for water & \$ 10 for sewer

The following expenses are presently our monthly water/sewer bills:

A monthly water usage of 2000 gal or less	\$12.88 (minimum)
Present monthly fixed rate for sewer	<u>28.00</u>
Minimum monthly fee	40.88
Monthly mortgage finance fee for water	10.00
Monthly mortgage finance fee for sewer	<u>10.00</u>
Monthly water & sewer bill	\$60.88 (minimum)
Rate increase of \$5.60	<u>5.60</u> (beginning in July 2003)
Monthly water & sewer bill	\$66.48

Well, you say the residents that financed their impacts fees have to pay only \$10.00 extra a month for water and only \$10.00 extra a month for sewer with no interest charge. That is great not having to pay any interest. Please remember they will have to pay that additional \$10 finance fee for water for 35 months (3 years and pay that additional \$ 10 finance fee for sewer for 95 months (8 years). Who knows how many more rate increases may incur within that 95 months?

You may wonder, why should the residents of Huger be squawking over a mere \$5.60/month increase? They have the Nucor Industrial Area in their community and are making the big bucks? Well you can, believe me when I say that approximately 99.9% of the people employed at the Nucor Industrial Area in Huger do not and I emphasize DO NOT live in the Huger community. If you wish, you can obtain a more accurate percentage from Nucor Steel.

The residents of our community have been paying a low of \$40.88 to a high of \$60.88 or more a month for water and sewer for less than a year and now they are already requesting a rate increase. In the near future we will most probably see a much needed increase in our fire fees. Presently school taxes are eating up 80% of our property taxes and with the state of the economy and reductions in school funds from the state, we will most probably see an increase in school taxes this or next year and very possibly an increase in Berkeley County property taxes also. When you add all these additional increases together that 20% or \$5.60/month becomes a very significant amount for low and fixed income residents. It could come down to whether they buy a loaf of bread, a quart of milk and a dozen of eggs or purchasing their much needed medicine.

We are not in opposition to anyone receiving new water and sewer systems. All we ask is that you think long and strong and consider all the facts and the real need for every project on this "wish list" and especially whether the residents of low and fixed income are financially able to afford these financial burdens before you decide on your final vote. We thank you for allowing me this time to speak before you. I will try to the best of my ability to answer any questions that you wish to ask. I submit this copy for the record.

S/Ernest Cercopely

AMENDED AGENDA

NOTICE OF SPECIAL MEETING OF BERKELEY COUNTY COUNCIL

Chairman: Mr. James H. Rozier, Jr., Supervisor
Vice Chairman: Mr. William E. Crosby, District No. 3

Members: Mr. Milton Farley, District No. 1
Mrs. Judith K. Spooner, District No. 2
Mr. Charles E. Davis, District No. 4
Mr. Dennis L. Fish, District No. 5
Mrs. Judy C. Mims, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8

There will be a **SPECIAL MEETING** of **BERKELEY COUNTY COUNCIL** on **Monday March 10, 2003**, in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, following the meeting of the Committee on Water and Sanitation, the Committee on Human Services, the Committee on Community Services and the Committee on Justice and Public Safety at **6:00 p.m.**

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

PUBLIC DISCUSSION – Requests to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

AGENDA

UNFINISHED BUSINESS

NEW BUSINESS

1. RECOMMENDED WATER AND SEWER PROJECTS WERE APPROVED AT A SPECIAL MEETING OF COUNTY COUNCIL ON MARCH 6, 2003.

2. THIRD READING:

a. Bill No. 03-1, An Ordinance authorizing and providing for the issuance of **Water and Sewer System Revenue Bonds** of Berkeley County, South Carolina; prescribing the form of bonds; limiting the payment of the bonds solely to the net revenues derived from the operation of the system and pledging the revenues to such payment; creating certain funds and providing for payments into such funds; and making other covenants and agreements in connection with the foregoing.

b. Bill No. 03-2, First Supplemental Ordinance providing for the issuance and sale of Berkeley County, South Carolina, **Water and Sewer System Revenue Bonds**, Series 2003, in the principal amount of not exceeding \$130,000,000; prescribing the form and details of such bonds; and other matters relating thereto.

3. FIRST READING:

a. Bill No. 03-11, An Ordinance to amend Chapter 7 of the Code of Ordinances, Berkeley County, South Carolina, to provide for the regulation of the use of Public and Private Water Distribution Systems and Wastewater Collection, treatment, and disposal systems and providing penalties for violations thereof.

4. RESOLUTION:

a. A Resolution providing for the approval of a position classification system.

5. Mr. Ernie Heins, Director of Solid Waste, Re: Solid Waste Regulations and Procedures.

6. J. Marc Hehn, Director, Berkeley County Water and Sanitation Authority, Re: Proposed purchase of the St. Stephen Water and Sewer System.

ADD:

7. SECOND READING:

Bill No. 03-10, The Fifth Supplemental Ordinance providing for the issuance and sale of Berkeley County, South Carolina, **Solid Waste Refunding Revenue Bond, Series 2003**, in the principal amount of not exceeding \$9,449,000; and other matters relating thereto.
[Recommended by Committee on Water and Sanitation]

ANNOUNCEMENTS

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

March 7, 2003
S/Barbara B. Austin
Clerk of County Council